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EXAMINER	
JAKOVAC, RYAN J	

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,336	ADDANTE ET AL.	
	Examiner	Art Unit	
	RYAN J. JAKOVAC	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-32,60-76 and 78-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9-32, 60-76, 78-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/12/2008, 05/09/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-32 in the reply filed on 04/17/2008 is acknowledged. Applicant has not provided ground(s) for electing with traverse. Therefore the requirement is still deemed proper and is therefore made FINAL. Applicant has added new claims 84-86. Examiner will consider these claims to be within elected Group I.

2. Claims 1-7, 9-32, 60-76, 78-86 are pending

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9-15, 17-31, 60-71, 73-76, 78-82, 84-86 rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application EP 0 491 367 A2 to Richard E. Batchelor (hereinafter Batchelor), published 06/24/1992.

Regarding claim 1, 5, 18, 19, 25 Batchelor teaches a method, comprising: obtaining a plurality of e-mails intended for distribution to a plurality of respective destinations (Batchelor,

col. 4, line 40-45, email messages received.); and creating a data node for each e-mail in said plurality of emails, wherein each data node includes a pointer to the corresponding e-mail in persistent storage (Batchelor, col. 4, line 40-45, requests (REQs).); processing the plurality of data nodes solely within non persistent storage, without requiring that information indicative of the e-mails be written to and then read from persistent storage during the processing of the data nodes (Batchelor, col. 3, line 43-45, messages processed and transmitted by queue manager.), wherein said processing comprises, for each respective data node:

(i) determining a destination domain of the respective data node (Batchelor, col. 4, line 40-45, REQs are read and transmitted to destination.);

(ii) adding the respective data node to a queue corresponding to the destination domain of the respective data node when the queue exists (Batchelor, col. 2, line 35-45, messages added to queue. See also col. 3, line 40-50.); and

(iii) creating a queue corresponding to the destination domain and adding the respective data node to the created queue when the queue does not exist (Batchelor, col. 2, line 35-45, messages added to queue. See also col. 3, line 40-50.); and wherein said processing further comprises:

retrieving e-mails corresponding to each of the data nodes in the first queue;

sending each of the retrieved e-mails corresponding to each of the data nodes in the first queue to a destination domain of the first queue; and

extinguishing the first queue (Batchelor, col. 2, line 35-45, messages added to queue. See also col. 3, line 40-50, col. 4, line 40-45.).

Regarding claim 2, Batchelor teaches a method as in claim 1, further comprising storing, in persistent storage, recovery information indicative of the processing, said recovery information being used for recovery from a system fault (Batchelor, col. 3, line 1-15, retry parameters.).

Regarding claim 3, 20, Batchelor teaches a method as in claim 2, wherein said recovery information includes information indicative of the plurality of e-mails, wherein each information indicative of each e-mail is indicative of less than the entire e-mail (Batchelor, col. 3, line 1-15, retry parameters.).

Regarding claim 4, 21, Batchelor teaches a method as in claim 3, wherein said information indicative of an e-mail in the plurality of e-mails includes a bit vector (Batchelor, col. 3, line 1-15, retry parameters.).

Regarding claim 6, 23, Batchelor teaches a method as in claim 5, wherein said sending comprises opening a communication channel to a single specified domain and sending each of the e-mails within the single communication channel (Batchelor, col. 3, line 40-45, message transmitted to destination.).

Regarding claim 7, 24, Batchelor teaches a method as in claim 3, wherein said recovery information includes numerical designations which represent each e-mail, and a state of

processing of said e-mails (Batchelor, col. 3, line 1-15, retry parameters, time intervals, number of retries.).

Regarding claim 9, 26, Batchelor teaches a method as in claim 8, wherein said selecting comprises selecting a queue which has the greatest number of the e-mails within the queue (Batchelor, col. 2, line 50-57, queue is selected which has the number of requests exceeding economic quantity of the available window (i.e. greatest number available.).).

Regarding claim 10, 27, Batchelor teaches a method as in claim 8, wherein said selecting comprises selecting a queue which has existed for greatest period of time (Batchelor, col. 4, line 9-15, queue processed in order they were received.).

Regarding claim 11, 28, Batchelor teaches a method as in claim 1, further comprising, during selection of said first queue, asynchronously looking up domain name server information for a second queue, different than the first, and selecting the second queue (Batchelor, col. 2, line 57 to col. 3, line 3, lower priority (i.e. second queue) requests executed during execution of high priority requests (i.e. first queue).).

Regarding claim 12, 29, Batchelor teaches a method as in claim 1, wherein the creating step separates personalized information about each e-mail from non-personalized information (Batchelor, col. 2, line 35-40, REQ includes message and identification of destination.).

Regarding claim 13, 30, Batchelor teaches a method as in claim 12, wherein said non-personalized information includes destination information for the e-mail (Batchelor, col. 2, line 35-40, REQ includes message and identification of destination.).

Regarding claim 14, Batchelor teaches a method as in claim 5, wherein said processing comprises: determining information about processing by said destination domain; and adjusting a speed of processing of the e-mails based on said information of processing of said destination domain (Batchelor, col. 2, line 45-5, destination time windows, requests executed to corresponding open windows.).

Regarding claim 15, Batchelor teaches a method as in claim 14, wherein said information about processing comprises speed of e-mail processing (Batchelor, col. 2, line 45-5, priority levels, destination time windows, requests executed to corresponding open windows.).

Regarding claim 17, Batchelor teaches a method, comprising: obtaining a plurality of e-mails for processing; storing recovery information about a state of processing of the e-mails to persistent storage, wherein said recovery information comprises less than the entirety of the e-mail (Batchelor, col. 3, line 1-15, retry parameters.); and processing the e-mails to direct the e-mails to a desired location without writing the e-mail to persistent storage during said processing (Batchelor, col. 3, line 40-45, messages processed and transmitted by queue manager.).

Regarding claim 22, Batchelor teaches a method as in claim 17, wherein said processing arranging information about the e-mails into queues, each queue representing a single domain (Batchelor, col. 2, line 35-45.), and further comprising sending e-mails to a recipient, by sending a plurality of e-mails to a single domain at a specific sending instance (Batchelor, col. 3, line 40-45, message transmitted to destination.).

Regarding claim 31, Batchelor teaches a method as in claim 22, wherein said processing comprises determining a speed of processing of said domain (Batchelor, col. 2, line 45-5, destination time windows, requests executed to corresponding open windows.), and adjusting a speed of processing of the e-mails based on said speed of processing of said domain (Batchelor, col. 2, line 45-5, priority levels, destination time windows, requests executed to corresponding open windows.). .

Regarding claim 60, 61, 64, 67, 85, 86, Batchelor teaches a method, comprising: obtaining a plurality of e-mails for processing (Batchelor, col. 4, line 40-45, email messages received.); forming a queue map comprising a plurality of queues, each queue associated with a specific domain representing a plurality of destinations for the plurality of e-mails (Batchelor, col. 3, line 30-55, implementation of queue manager using requests (REQs).); sending a plurality of e-mails to a specific destination at a specific time (Batchelor, col. 3, line 40-45, message transmitted to destination.); and asynchronously looking up, during the time of said sending, DNS information for a domain name using an asynchronous DNS resolver that operates from an offline DNS cache that is periodically updated, for a different destination in said plurality of

destinations to be sent at a future time (Batchelor, col. 2, line 57 to col. 3, line 3, lower priority (i.e. second queue) requests executed during execution of high priority requests (i.e. first queue).).

Regarding claim 62, Batchelor teaches a method as in claim 61, further comprising storing, in persistent storage, recovery information indicative of the processing, said recovery information being used for recovery from a system fault (Batchelor, col. 3, line 1-15, retry parameters.).

Regarding claim 63, Batchelor teaches a method as in claim 61, wherein said recovery information includes information indicative of a plurality of the e-mails, wherein each information indicative of each e-mail is indicative of less than the entire e-mail (Batchelor, col. 3, line 1-15, retry parameters.).

Regarding claim 65, Batchelor teaches a method as in claim 64, wherein said sending comprises opening a communication channel to a single specified domain, sending a plurality of e-mails within the single communication channel (Batchelor, col. 3, line 40-45, message transmitted to destination.).

Regarding claim 66, Batchelor teaches a method as in claim 63, wherein said recovery information includes numbers of e-mails, and states of processing of said e-mails (Batchelor, col. 3, line 1-15, retry parameters, time intervals, number of retries.).

Regarding claim 68, Batchelor teaches a method as in claim 67, wherein said selecting comprises selecting a queue which has the most number of the e-mails within the queue (Batchelor, col. 2, line 50-57, queue is selected which has the number of requests exceeding economic quantity of the available window (i.e. greatest number available.).).

Regarding claim 69, Batchelor teaches a method as in claim 67, wherein said selecting comprises selecting a queue which has existed for greatest period of time (Batchelor, col. 4, line 9-15, queue processed in order they were received.).

Regarding claim 70, Batchelor teaches a method as in claim 67, further comprising, during selection of a first queue, asynchronously looking up domain name server information for a second queue, different than the selecting queue (Batchelor, col. 2, line 57 to col. 3, line 3, lower priority (i.e. second queue) requests executed during execution of high priority requests (i.e. first queue).).

Regarding claim 71, Batchelor teaches a method as in claim 63, wherein said processing comprises determining a speed of processing of said domain (Batchelor, col. 2, line 45-5, destination time windows, requests executed to corresponding open windows.), and adjusting a speed of processing of the e-mails based on said speed of processing of said domain (Batchelor, col. 2, line 45-5, priority levels, destination time windows, requests executed to corresponding open windows.).

Regarding claim 73, 74, 80, Batchelor teaches a method, comprising: obtaining a plurality of e-mails for processing (Batchelor, col. 4, line 40-45, email messages received.); forming organization information about said e-mails (Batchelor, col. 4, line 40-45, requests (REQs).), wherein said organization information represents a plurality of queues, each queue in said plurality of queues comprising e-mails in said plurality of e-mails that are intended for distribution to a common destination; and selecting a first queue in said plurality of queues to send e-mails, based on characteristics of the e-mails in the first queue (Batchelor, col. 4, line 30-57, processing of requests and emails by queue manager, messages transmitted to destinations.) and, during the selecting step, asynchronously looking up DNS information for a domain name using an asynchronous DNS resolver that operates from an offline DNS cache that is periodically updated, for a second queue in said plurality of queues, different than the first queue (Batchelor, col. 2, line 57 to col. 3, line 3, lower priority (i.e. second queue) requests executed during execution of high priority requests (i.e. first queue).).

Regarding claim 75, Batchelor teaches a method as in claim 73, wherein said selecting comprises selecting a queue which has the most number of the e-mails within the queue (Batchelor, col. 2, line 50-57, queue is selected which has the number of requests exceeding economic quantity of the available window (i.e. greatest number available.).).

Regarding claim 76, Batchelor teaches a method as in claim 73, wherein said selecting comprises selecting a queue which has existed for greatest period of time (Batchelor, col. 4, line 9-15, queue processed in order they were received.).

Regarding claim 78, Batchelor teaches a method as in claim 73, further comprising storing, in persistent storage, recovery information indicative of the processing, said recovery information being used for recovery from a system fault (Batchelor, col. 3, line 1-15, retry parameters.).

Regarding claim 79, Batchelor teaches a method as in claim 73, wherein said recovery information includes information indicative of said plurality of e-mails, wherein each information indicative of each e-mail is indicative of less than the entire e-mail (Batchelor, col. 3, line 1-15, retry parameters.).

Regarding claim 81, Batchelor teaches a method as in claim 80, wherein said sending comprises opening a communication channel to a single specified domain, sending a plurality of e-mails within the single communication channel (Batchelor, col. 3, line 40-45, message transmitted to destination.).

Regarding claim 82, Batchelor teaches a method as in claim 80, wherein said processing comprises determining a speed of processing of said domain (Batchelor, col. 2, line 45-5, priority levels, destination time windows, requests executed to corresponding open windows.), and

adjusting a speed of processing of the e-mails based on said speed of processing of said domain (Batchelor, col. 2, line 45-5, destination time windows, requests executed to corresponding open windows.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 16, 32, 72, 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batchelor in view of US 2002/0143885 to Ross, JR (hereinafter Ross).

Regarding claim 16, 32, 72, 83, Batchelor teaches a method as in claim 1, further comprising: maintaining a log representing information relating to e-mails which have been processed in said software package (Batchelor, col. 4, line 35-40, maximum number of requests. Batchelor does not expressly disclose comparing contents of said log with licensing information, to determine if said information e-mails exceeds a licensed number.

However, Ross discloses comparing contents of said log with licensing information, to determine if said information e-mails exceeds a licensed number (Ross, abstract, paragraph [0034-0036], [0167-0175], email licensing.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine comparing contents of said log with licensing information, to determine if said information e-mails exceeds a licensed number as taught by Ross with the method of Batchelor in order to exchange email with a measure of security such as licensing criteria and in order to facilitate sending secured email (Ross, [0034].).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145